

said grid of resilient sections comprising substantially all of said inner sole and extending over substantially all of said sole area;

wherein said resilient sections comprise a material that resists compression-set.

Remarks

The Office Action of November 20, 2000 objects to the reissue oath/declaration because the error alleged in the oath/declaration related to subject matter previously included in a rejected dependent claim. The Office Action also indicated that the inventors themselves must apply for the reissue application, since the new claims seek to broaden the scope of the claims in some respect. The Office Action rejects claims 24-32 as attempting to recapture material that was previously surrendered during prosecution of the patent application.

The Office Action makes various minor Section 112 rejections, and rejects the claims under 35 USC 103 as being obvious over the Kellerman, Andrews, Looney and Geuder references.

With respect to the claims, Claims 24-28 have been amended to specify that the removable members have three levels of density. The first level, which is closest to the foot, is the softest and most resilient layer. The prior art does not suggest or teach removable members having at least three levels of density.

Support for this limitation is found in the Specification at Col. 7, ll. 19-25.

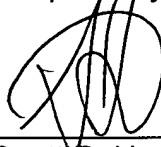
Claim 29 is amended to specify that the removable members are made of a material that resists compression set. This limitation is also not suggested or taught by the prior art. Support for this limitation can be found at Col. 8, ll. 34-41.

With respect to the reissue declaration, a new declaration is enclosed. The declaration seeks reissue on behalf of the inventors, rather than on behalf of the assignee. The declaration is unsigned as of yet, due to the fact that two of the three inventors no longer work for the assignee. One of the inventors, Mr. Montag, previously refused to sign the declaration in the original case, and the other inventors signed on his behalf. An executed declaration in this reissue case will be filed in due course.

It is respectfully submitted that the case is now in condition for allowance. A Notice of Allowance is respectfully requested. If there are any further issues to resolve, the undersigned respectfully requests a telephone interview with the Examiner, with a view toward quickly resolving any further remaining issues.

Any extension of time that may be needed, either with respect to the present paper or to any future papers in this matter, is hereby requested. With respect to this particular Response, request is hereby made for a three month extension of time. A check for the three month extension of time fee for a small entity is enclosed. Any other fee that may be due may be charged to – and any overcharge may be credited to – Deposit Account No. 16-2230.

Respectfully submitted,



Scott R. Hansen
Registration No. 38,486

Dated: May 21, 2001

OPPENHEIMER WOLFF & DONNELLY LLP
2029 Century Park East, Suite 3800
Los Angeles, CA 90067-3024
310.788.5000 Telephone
310.788.5100 Facsimile

Version With Markings To Show Changes Made

3²⁴ Footgear with pressure relief areas for the foot, said footgear having a sole area extending substantially for the entire area underlying the foot of a user comprising:

an outer sole;

an inner sole extending substantially over the entire sole area mounted in said footgear above said outer sole, said inner sole having a plurality of independently vertically movable sections arranged in a grid pattern, said independently vertically movable sections having lower surfaces which are mounted within said footgear and said sections together form a substantially smooth surface for engagement by the foot;

means for independently modifying support of the foot provided at each section location;

said resilient sections being directly adjacent one another to form said grid; and

said grid of resilient sections comprising substantially all of said inner sole and extending over substantially all of said sole area;

wherein said resilient sections each comprise at least three layers of progressively different softness and resiliency, with the softest and most resilient layer being closest to the foot.

25³⁴ Footgear as defined in claim 24 wherein said footgear is a shoe.

26³⁵ Footgear as defined in claim 25 wherein said shoe further comprises a heel portion that extends only partially up the heel of the user.

27³⁶ Footgear with pressure relief areas for the foot, said footgear having a sole area extending substantially for the entire area underlying the foot of a user, comprising:

an outer sole,

an inner sole extending substantially over the entire sole area mounted in said footgear above said outer sole, said inner sole having a plurality of removable sections that are removable mounted in said footgear and that are

arranged in a grid pattern said removable sections having lower surfaces which are removable secured within said footgear and said sections together forming a substantially smooth surface for engagement by the foot said sections being individually removable from said footgear to provide localized relief to selected areas of the foot;

said resilient sections being directly adjacent to one another to form said grid, with substantially no space in between said sections except when at least one of said sections has been removed; and

said grid of resilient sections comprising substantially all of said inner sole and extending substantially over the entire sole area;

wherein said resilient sections each comprise at least three layers of progressively different softness and resiliency, with the softest and most resilient layer being closest to the foot.

28.37 A pad for footgear comprising:

an underlying flexible sheet and an upper resilient inner sole member extending over and being removably secured to said underlying flexible sheet, said upper resilient inner sole member having a substantially uniform thickness and extending substantially over the entire sole area;

said upper resilient inner sole portion being composed of a plurality of resilient sections, said sections being removably secured on their lower surfaces to said underlying flexible sheet and said sections together forming a substantially smooth surface for engagement by the foot, said sections being individually removable to provide localized pressure relief to selected areas of the foot; and

wherein said resilient sections each comprise at least three layers of progressively different softness and resiliency, with the softest and most resilient layer being closest to the foot;

whereby a relief zone corresponding to an afflicted zone of a foot is provided when one or more of said sections is removed.

29³⁸ Footgear with pressure relief areas for the foot, said footgear having a sole area extending substantially for the entire area underlying the foot of a user comprising:

an outer sole;

an inner sole extending substantially over the entire sole area mounted in said footgear above said outer sole, said inner sole having a plurality of independently vertically movable sections arranged in a grid pattern, said independently vertically movable sections having lower surfaces which are mounted within said footgear and said sections together form a substantially smooth surface for engagement by the foot;

means for independently modifying support of the foot provided at each section location;

said resilient sections being directly adjacent one another to form said grid; and

said grid of resilient sections comprising substantially all of said inner sole and extending over substantially all of said sole area;

wherein said resilient sections comprise a material that resists compression-set.

